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EPA Region 5 Records Ctr.



285188

February 11, 2005

Tom Turner  
Associate Regional Counsel  
U.S. EPA, Region V  
Office of Regional Counsel (C-14J)  
77 W. Jackson Boulevard  
Chicago, IL 60604

RE: RRG/Clayton Chemical Site (the "Site")

Dear Mr. Turner:

In the USEPA Notice Letter dated November 22, 2004, you identified "Monsanto Company" as a potentially responsible party ("PRP") at the Clayton Chemical Superfund Site in Sauget, Illinois (the "Site"). On January 28<sup>th</sup>, Monsanto Company on behalf of itself and Pharmacia Corporation (fka Monsanto Company) responded to that letter clarifying certain relevant corporate relationships and entities. The January 28<sup>th</sup> letter explained that the entity now known as Monsanto Company did not exist at the time of the shipments of concern to the Site and therefore has no potential CERCLA liability associated with the Site. This letter is to inform you that we have learned that Pharmacia Corporation (fka Monsanto Company) also is not a PRP for the Site. After a thorough review of the manifests associated with alleged shipments attributed to "Monsanto Company," it is clear that Pharmacia Corporation (fka Monsanto Company) never shipped any material to the Site. Thus, Pharmacia Corporation (fka Monsanto Company) has no liability regarding the Site.

According to the USEPA Notice Letter, "Monsanto Company" was classified as a PRP based upon a volumetric ranking included in "The RRG/Clayton Liquids Removal, Investigation Report" (the "Report"). The volumetric ranking identified "Monsanto" as disposing of 208,803 gallons of material at the Site during the period of 1988 through 1992. In the Report, the calculation of the volumes of material sent to the Site during this time frame was based upon an Illinois EPA database. The Report stated, "For the most part, the IEPA electronic data appeared to be correct from 1980 through 1993." Our investigation of the alleged shipments to the Site attributed to "Monsanto" has proven otherwise.

We conducted a thorough review of the manifests associated with the alleged shipments attributed to "Monsanto" and discovered that Pharmacia Corporation (fka Monsanto Company) was not responsible for any of the shipments. Our analysis revealed the following:

- None of the generator ID numbers on the manifests used in the IEPA database to attribute volumes to "Monsanto" during the period of 1988 through 1992 match any generator ID number ever used by Pharmacia Corporation (fka Monsanto Company). In fact, the generator ID numbers attributed to "Monsanto" belong to four different entities.

<u>Generator ID</u>	<u>Company</u>
0210555001	Asgrow Seed Company <sup>1</sup>
9291896165	Paul Cerame Lincoln Mercury
9291895006	American National Can Company
9291895545	Perma, Inc.

- The volume of material shipped to the Site under the above-listed generator ID numbers account for the entire 208,803 gallons attributed to "Monsanto."
- To date, we have found no documents that would indicate that Pharmacia Corporation (fka Monsanto Company) sent any materials to the Site for any purpose.

Based on the above, Pharmacia Corporation (fka Monsanto Company) has no liability at the Site. Based on this, and other reasons set out in the January 28<sup>th</sup> letter to you, Pharmacia Corporation (fka Monsanto Company) will not participate in any work identified in your November letter.

Please feel free to contact me if you have any questions.

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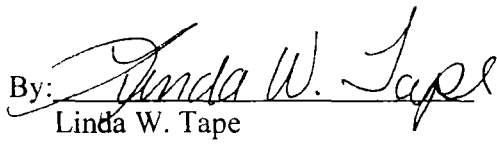
<sup>1</sup> The corporate successor to Asgrow Seed Company - Asgrow Seed Company, LLC - is a wholly owned subsidiary of the entity now known as Monsanto Company. As a wholly owned subsidiary, Asgrow Seed Company, LLC has any potential liability for the Asgrow Seed Company related shipments to Clayton. Asgrow Seed Company, LLC's mailing address is 800 N. Lindbergh Blvd, St. Louis, MO 63167. The Report indicates that the total waste volume associated with Asgrow Seed Company manifests is 450 gallons which is well below the 75,000 gallons that USEPA used as a cut off for identifying parties to receive the Notice Letter. Asgrow's potential involvement at the Site is de minimis at most. We are unaware of any parent-subsidary relationship between any of the other entities, that the Report associated with "Monsanto," and either Monsanto Company or Pharmacia Corporation (fka Monsanto Company).

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Eppenberger, LLC

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Sincerely Yours,

HUSCH & EPPENBERGER, LLC

By:   
Linda W. Tape

LWT/da

cc: Mr. Tom Martin  
Mr. Nabil Fayoumi  
Mr. Kevin Turner  
Ms. Molly Shaffer  
Mr. Glenn Kurowski